

Application No.: 10/772,045

Case No.: 56165US011

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Remarks

We have amended claims 1 and 2 and have added claim 5 so that claims 1-5 are now pending.

§ 102 Rejections

The Examiner has rejected Claims 1, 3, and 4 under 35 USC § 102(b) as being anticipated by Sundet (#5,665,446).

Sundet describes a laminate that can be adapted for use to decorate a substrate, which, like the laminate according to the present invention, comprises (1) a layer of pre-mask material comprising a cover layer and a layer of removable adhesive firmly adhered to one surface of the cover layer; (2) a plurality of decorative films each having a layer of adhesive along one of their major surfaces; and (3) a release liner with a first major surface adapted to be releasably adhered to by the removable adhesive on the cover layer and by the adhesives on the decorative films. Also, as in the laminate according to the present invention, the decorative films of Sundet are applied to the first surface of the release liner in a pattern, and the layer of removable adhesive included in the layer of pre-mask material is adhered over the outer major surfaces of the decorative films adhered to the release liner and to the release liner around the decorative films.

Unlike the laminate according to the present invention, however, the decorative films or "graphics" in the laminate of Sundet are each formed in one piece by cutting them from a large sheet of the film material as with a computer controlled knife or a die cutter and then removing the weed from around the decorative films (see column 5, lines 33 - 41 of Sundet). Thus the decorative films have shapes such as the W illustrated in Figure 1 of the drawing in Sundet.

In contrast, the laminate adapted for use to decorate a substrate according to the present invention includes a plurality of display lengths of decorative film tape each comprising a length of decorative film having opposite parallel edge surfaces, opposite end surfaces at opposite ends of the length of decorative film, opposite major surfaces extending between said edge and end surfaces, and a layer of adhesive along one of the major surfaces; which display lengths of decorative film tape have different lengths and shapes of their end surfaces formed by a computer operated tape applicator and are applied to the first surface of the release liner by that tape

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applicator with end surfaces of some of the display lengths closely spaced from each other to form a decorative pattern.

There is no teaching or suggestion in Sundet to form graphics from such lengths of tape having parallel side surfaces by placing ends of the lengths of tape closely together.

Thus, the laminate adapted for use to decorate a substrate according to the present invention as claimed in claim 1 is not anticipated by Sundet.

Claims 2 through 4 are dependent on claim 1 and are thus allowable for all of the reasons given above with respect to claim 1. Also, those dependent claims recite structural features that are not taught or suggested by the cited art in the combinations claimed. For example:

Claim 2 recites that the spaces between the closely spaced end surfaces of the lengths of tape are in the range of 0.005 to 0.12 inch or 0.013 to 0.3 cm. The Examiner has rejected Claim 2 under 35 USC § 103(a) as being unpatentable over Sundet (#5,665,446). As noted above, there is no teaching or suggestion in Sundet to form graphics from lengths of tape having parallel side surfaces by placing end surfaces of the lengths of tape closely spaced from each other, and therefore no suggestion of the claimed range of spaces between the closely spaced end surfaces of the lengths of tape.

Claim 3 recites that lengths of decorative film have grooves or other structure along the major surface of the decorative film opposite the layer of adhesive so that the decorative film visually simulates a decorative structure. The Examiner has rejected claim 3 under 35 USC § 103(a) as being unpatentable over Sundet in view of Futhey et al (#5,840,407) noting that Futhey et al describes such decorative film while Sundet does not. Applicants acknowledge that such lengths of decorative film were well known prior to the present invention, and that such lengths of decorative film have been used to decorate substrates particularly including glass substrates. There has, however, been no laminate of the type claimed that includes such lengths of decorative film formed and applied by a computer operated tape applicator.

New claim 5 dependent on claim 1 recites that the decorative pattern in the laminate according to the present invention comprises a plurality of pattern portions, each of which pattern portions is formed by four display lengths of decorative film having adjacent closely spaced end surfaces and extending in four different directions from said adjacent closely spaced end

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surfaces, said closely spaced end surfaces of said four display lengths of decorative film each having two projecting surface portions disposed at a right angle with respect to each other. There is no teaching or suggestion of such pattern portions in any of the cited references.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration and allowance of all of the claims in the application are respectfully requested.

Respectfully submitted,

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Date

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